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**Establishing a Written Policy of Social Media Use for Law  
Enforcement Employees**

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**A Leadership White Paper  
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**By  
Stephen Hanna**

**New Braunfels Police Department  
New Braunfels, Texas  
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## **ABSTRACT**

Social media will be the largest facilitator of information coming into and going out from a law enforcement agency. With this exchange of information being performed by employees of a law enforcement agency, it becomes necessary to define and describe the boundaries an employee must follow when using social media outlets. The way to accomplish this is by a law enforcement agency establishing a written policy on the use of social media.

In reviewing recent articles, law journals, books, and case law, it became apparent that written guidelines on social media use are recommended within the business world and are just as necessary in the public sector. As social media continues to grow and evolve, law enforcement agencies must embrace this valuable tool and use it to its fullest potential. Law enforcement will be able to use social media to push out information, conduct investigations, and exchange information with other law enforcement entities. Having a clearly defined policy on the use of social media by all employees of a law enforcement agency helps maintain the integrity of the agency, increases work productivity, and outlines the potential consequences for misuse of social media.

By providing a written policy on social media use and training covering that policy, employees of a law enforcement agency will have the knowledge and understanding of the boundaries that must be followed regarding social media use. A social media use policy can offer a law enforcement agency protection from litigation and decrease the release of sensitive and identifying information.

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## INTRODUCTION

Social media has come into the field of law enforcement and must be addressed to ensure that there is a clear understanding of its potential uses and misuses by all members of a law enforcement agency. Law enforcement agencies are expected to maintain a high level of integrity with the information that is received and maintained on members of the public, yet they are expected to keep the public informed on the different types of criminal and non-criminal activities occurring within their jurisdiction. With the great advancements in technology, and those yet to be discovered, law enforcement agencies must be prepared to handle the large volume of information that will pass through its doors. Social media will be the largest facilitator of information coming into and going out from a law enforcement agency.

Safko and Brake (2009) defined social media as “activities, practices, and behaviors among communities of people who gather online to share information, knowledge, and opinions using conversational media” (p. 6). Whereas the telephone used to be one of the primary methods of sharing and exchanging information, the development and use of the internet has now become the main source of information sharing. Many websites have been created that allow people to share experiences and thoughts, and these are commonly referred to as social networking sites. These social networking sites have made it easier for users to generate an increased flow of information sharing that can influence people within their community (Qualman, 2009). Social networking sites can include outlets such as Facebook, LinkedIn, and Twitter just to name a few. It can include any online site that is used for the exchange of information or ideas.

Organizations have promoted the use of networking with other individuals in the same field of work to increase productivity. This has been no different in the law enforcement field, and law enforcement agencies have promoted networking with officers in other agencies to help solve cases, find different investigative techniques, compare trends and tactics, and to improve the efficiency and effectiveness of the department. It is vital for a law enforcement agency to recognize the role social media can and should play within an organization but also the potential for abuse and decreased work productivity among employees. Social media is a tool that cannot be ignored by law enforcement administrators, but there must be clearly defined and written boundaries that each and every law enforcement employee acknowledges.

Not everyone entering into a law enforcement agency will do so as a law enforcement officer. Many agencies employ individuals as record clerks, receptionists, and dispatchers; and these employees will also have access to social media. As the newest generation (Millennials) enter into the field of law enforcement, they are coming into the workforce with an increased knowledge of technology and its applications. It is necessary to have well written guidelines and explanations on the use of social media to set the proper boundaries for this generation without discouraging the use of technology. Failure to incorporate any guidelines will lead to lower work productivity, increase the potential for the release of sensitive information, show the department in a poor light, and could result in serious legal consequences for both the department and the employee.

Many will argue that an employer does not have a right to restrict the freedom of speech when they are not at work, and to do so inhibit the exchange of information.

Others would say spending time on social networking sites really does increase productivity (Qualman, 2009). These valid arguments only improve the position that guidelines are necessary for employees of a law enforcement agency on the use of social media forums.

How an agency chooses to address social media is up to the administrators of that agency, but failing to address it altogether is like an ostrich with its head in the sand. Social media is not going away but is growing at astronomical rates. Law enforcement agencies must embrace this valuable tool and use it to its fullest potential. In doing so, a law enforcement agency should establish a policy covering social media and its use by employees.

## **POSITION**

Social media is evolving at an alarming rate, and each year there are more social networking sites added to the internet that allow a person to connect with those who have a similar idea or like ideas. The Millennial generation is the first generation that has entered the workforce having been raised with some type of digital device or form of technology in their hand since birth. This has created a thought process that is different from those who have been in the workforce for ten years or more (Manafy & Gautschi, 2011).

Developing professional relationships is a key component of networking and has been encouraged by the law enforcement community. Social media has been used by the law enforcement community to develop forums and blogging sites so that officers, and those desiring to become law enforcement officers, can network and connect with each other. It allows them to share ideas, express concerns, and receive feedback from

other law enforcement professionals. The internet is being utilized more and more on a daily basis to conduct business in the private sector, and those companies that have embraced social media have improved their business as they provided better and quicker customer service (Safko & Brake, 2009). Although law enforcement is not in business to make money, it is in the customer service business by providing quality service to the citizens it serves to improve the quality of life within the community.

The use of social media as an investigative tool for gathering intelligence on suspects and collecting evidences for cases is just another application of social media that law enforcement agencies have been employing. But employees of law enforcement agencies are not just on networking sites related to law enforcement only. Law enforcement employees are also on social networking sites, such as Facebook, MySpace, and Twitter, to name just a few.

Social media could be used by an officer or employee of a law enforcement agency to transmit sensitive information via a social networking site that was obtained as a direct result of their employment with a law enforcement agency. Without a social media policy in place that describes the proper use of social media, a law enforcement agency is unable to take action against an employee who posts or transmits information that brings disrepute upon the agency or releases sensitive information about a member of the public it serves. Any law enforcement agency without a social media use policy needs to understand the necessity of a law enforcement agency to set boundaries on how its employees can use social media and to what extent the employer's needs outweigh the employee's interests (Kaupins & Park, 2011).

One of the important issues to remember when writing a policy for social media use is that the Millennial generation desires to have known why a rule was set up that would restrict or limit the use of social networking in any way (Manafy & Gautschi, 2011). Shinder (2009) suggested that any social networking policy developed by an organization should have a clearly defined social networking use philosophy, not sharing any confidential information on a social networking site, not identifying oneself as an employee of the organization, and also listing any disciplinary consequences should the policy be violated. As a social media use policy is being developed, it needs to be written in such a manner that allows it to be fluid yet as specific and concise as possible (IACP National Law Enforcement Policy Center, 2010).

Establishing a policy for the use of social media by law enforcement employees is important for maintaining the integrity of the agency and ensuring that employees understand that what is disseminated can have a negative effect on both the agency and the employee. Law enforcement employees must be aware that posting negative comments about groups of citizens, racial slurs, sexual orientation, or the mental status of someone can show the department in a negative light if the employee's comments are believed to be the attitude and philosophy of the department itself. Posted comments, no matter how innocent or well-intended, can have a negative impact on an officer's credibility in a court proceeding.

Dwyer (2009) described in his article how New York Police Department Officer Vaughan Ettienne had his credibility impeached for posting his mood as "devious" on MySpace the day before arresting an individual for felon in possession of a firearm. The suspect's defense attorney also used postings from Officer Ettienne's Facebook



account on how he watched the movie “Training Day” to observe proper police procedure. This information was used to discredit Officer Ettienne, and, subsequently, the suspect was acquitted of the firearm charge.

Having a written policy on the use of social media along with proper training on the potential effects of improper postings demonstrates to employees that the agency wants to embrace new technology and has the employee’s best interest at heart. Law enforcement employees will be among the users of social networking sites and other forms of social media through the use of mobile devices and computers; therefore, it is the responsibility of the agency to provide clear, written guidelines into the appropriate use of social media outlets (IACP National Law Enforcement Policy Center, 2010).

## **COUNTER POSITION**

Qualman (2009) stated that “one of the key maxims of this book is that wasting of time on Facebook and social media actually makes you more productive” (p. 4). Many users of social media would agree that they are actually more productive when using social networks. Networking via social media helps build work relationships with other professionals, allows the exchange of information at a rapid pace, helps relieve the work induced stresses, and can form a strong sense of purpose within an organization (Nerney, 2011).

Mergel (2012) pointed out that the public sector is increasingly using all forms of social media to obtain feedback from the public in order to address issues as they arise. The manner in which social media is used by the public sector has been found to be very productive in the way it has increased the interaction between the public and governments. With the expansion of new technology in the forms of mobile devices and

the easy access to the internet, the Millennial generation will utilize these devices to pass on and receive information in order to increase productivity (Hadley & Chambers, 2011).

One cannot argue that the use of social media will make an employee more effective in the way a job is performed; however, recent surveys have shown that social media actually drains the productivity of workers. A survey conducted by [harmon.ie](http://harmon.ie) showed that 45% of workers surveyed could not go more than 15 minutes without being interrupted in some form, and that 57% of the work interruption were from some sort of social tools or applications. The total time reported lost by 53% of the workers was at least one hour a day ("I can't get my work done!" 2011).

One of the most challenging arguments to a social media use policy is that an employer does not have the right to tell an employee what they can or cannot do when away from the jobsite. As the use of mobile devices and smart phones increases and their technology evolves, social media is going to play the dominating role in how law enforcement accomplishes its mission (Fyfe & Crookall, 2012). The Millennial generation brings an entire new mindset in the field of law enforcement and will use social media to not only accomplish the job but will want to post it and pass it on to the world just what was performed at work. This creates a whole set of new issues for law enforcement administrators on the type of information that is released and how that information reflects on the image of the agency.

The employee may argue that there is a First Amendment right to free speech, and that what is said or done off duty is of no concern to their department, to include anything that might be posted or transmitted onto a social networking site or forum.

Kirkland (2006) pointed out that individuals employed by the public sector do not lose any freedom of speech rights just because that individual works for a government institution. Kirkland pointed out that case law supports public employees being able to speak out on matters that are of “public concern” (*Pickering v. Board of Education*, 1968), and this was further addressed in 1983 by the United States Supreme Court in *Connick v. Myers* by stating that an employee’s expressions are protected when “relating to any matter of political, social, or other concern to the community” (1983, p. 146).

This would seem to indicate that employees of a law enforcement agency would have the right to post, blog, or transmit any type of speech or expression without any type of recourse by the agency; however, this is not the case. A law enforcement employee does have a freedom of speech protection if the expression or speech is a matter of public concern. A law enforcement employee does not have the right to post comments or express themselves in a public format or through social media about work related incidents, especially if the interest of the law enforcement agency is considered more important than the employee’s expression (Schmidt, 2010).

By establishing a policy on the use of social media by an agency’s employees, the policy can clearly outline the expectations and potential consequences for using social media. Law enforcement employees need to know that what they say or post in their capacity as an employee of that agency is not protected as part of their freedom of speech (*Garcetti v. Ceballos*, 2006). The policy should stipulate whether or not the employee can have a posted photograph wearing the agency’s uniform or being in or around a marked patrol car. Again, the key is not to discourage an employee from

expressing himself via social media but to make sure there is an understanding of what should and should not be transmitted through a media outlet (Schmidt, 2010).

## **RECOMMENDATION**

As technology and the internet evolve, law enforcement agencies will need to adapt to the technology and should prepare a well written policy on the use of social media for all law enforcement employees. Administrators of law enforcement agencies need to develop and write out a philosophy statement on the department's position about social media use. The statement must be clear and easily understood so that each employee of the department knows the boundaries that will be set out.

The International Association of Chiefs of Police has designed a social media policy that can be used as a model for a law enforcement agency (IACP Social Media Model Policy, 2010). This model policy can be used together with the department's philosophy statement to construct a policy that meets the needs of the department. The policy should be drafted to allow for the evolution of technology, and it should be reviewed on an annual basis. Ideas and feedback should be gathered from rank-and-file members into the construction of the policy, and the agency's legal counsel should review the policy before implementation. Additionally, training needs to be provided to inform employees, and a date for when the policy will go into effect needs to be set.

The purpose of a social media use policy is to have clearly defined and understood boundaries of social networking through internet and mobile devices. The policy allows employees to understand the potential consequences of posting inappropriate information while still encouraging the use of advancing technology. As officers are encouraged to build networking relationships, both professional and

personal, a social media policy will clearly explain to an officer that when portraying himself as a law enforcement officer for a specific agency, his rights to free speech are not absolute. The policy should clearly spell out what is not acceptable and describe the consequences for violations of said policy.

The use of social media in law enforcement is a valuable tool that can make an officer more effective and efficient within the scope of his job. When social media is used improperly or while on-duty, in an unauthorized manner, research has shown that work productivity actually decreases and creates a substantial loss of time to the employer (“I can’t get my work done,” 2011). A social media policy can reduce the loss of work productivity when properly and consistently administered.

Technology is advancing, and the newest generation of officers will have grown up having this technology at their fingertips. Establishing a clearly defined yet fluid social media policy will provide this generation with guidelines that will help protect the law enforcement agency and its employee from potential lawsuits while encouraging the use of new technology. Defining the consequences for violating such a policy will help reduce the release of sensitive and identifying information that will protect both the public and law enforcement employees alike. Failure to draft such a policy leaves the law enforcement agency and its governing body open to litigation, which could shed negative light upon the agency. To avoid these pitfalls and provide a better awareness to the officers and citizens on how an agency views social media, each agency should establish a social media use policy for the department today.

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